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Attorneys for Plaintiff and Real Party in Interest

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH

FOURSQUARE GOSPEL,

Plaintiff,

v.

CITY OF SAN LEANDRO, MICHAEL)

J. GREGORY (in his official capacity),)

SURLENE G. GRANT(in her official)

capacity), DIANA M. SOUZA(in her)

official capacity), JOYSE R.)

STAROSCIACK (in her official)

capacity), BILL STEPHES (in his)

) Case No.: CO7-03605-PJH-JCS

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**SECOND DECLARATION OF
DAVE MORTARA IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

Date: September 5, 2007

Time: 9:00 a.m.

Courtroom: 3

Hon.: Phyllis J. Hamilton

1 official capacity), JIM PROLA (in his)
2 official capacity), JOHN JERMANIS(in)
3 his official and individual capacities),)
4 DEBBIE POLLART (in her official and)
5 individual capacities), DOES 1-50,)
6 Defendants.)
7

8 FAITH FELLOWSHIP FOURSQUARE)
9 CHURCH,)
10 Real Party in Interest.)
11

12 I, Dave Mortara, do hereby declare as follows:

13 1. That if called upon, I could and would testify truthfully, as to my own
14 personal knowledge, as follows:

15 2. I am on staff at the Faith Fellowship Worship Center (CHURCH),
16 located at 577 Manor Boulevard, San Leandro, California 94579.

17 3. In my capacity as a member of the CHURCH staff I have personally
18 attended meetings at the San Leandro City Hall which is located at 435 East 14th
19 Street in the City of San Leandro, CA.

20 4. On August 21, 2007, I went to the City Hall to review the Council
21 Chambers which is used for public assembly. The placard posted for the maximum
22 capacity of the City Council Chambers states that the auditorium seats 140 persons.

23 5. In the back of the main meeting hall is another area used for standing
24 room when the City Council Chambers are full. Although the room is for standing
25 purposes, on August 21, 2007, I counted 15 chairs.
26
27
28

SECOND DECLARATION OF DAVE MORTARA

1 6. Next to the City Council Chambers is a room called the Sister City
2 Room. That room is used for overflow and it has speakers mounted so that people
3 in that room can listen in on the meetings in the main auditorium. On August 21,
4 2007, I counted the chairs in the Sister City Room and found that it has 35 seats.
5

6 7. To be certain that I was not mistaken as to the numbers, I spoke with a
7 custodian who confirmed the capacity of the rooms described above.
8

9 I declare, under penalty of perjury under the laws of the State of California
10 and the United States of America, that the foregoing is true and correct and is of my
11 own personal knowledge, and indicate such below by my signature executed on this
12 21st day of August, 2007, in the County of Alameda, City of San Leandro.
13

14
15 /S/ Dave Mortara
16 Dave Mortara, Declarant
17

18 **Attorney Attestation re Signature**
19

20 I hereby attest that I have on file all holograph signatures for any signatures
21 indicated by a "conformed" signature (/S/) within this efiled document.
22

23 /S/ Kevin Snider
24 Kevin T. Snider
25 Mathew B. McReynolds
26 Peter D. MacDonald
27 Attorneys for Plaintiff and
28 Real Party in Interest